

# PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number

09/007313

## CLAIMS AS FILED - PART I

FOR	NUMBER FILED (Column 1)	NUMBER EXTRA (Column 2)
BASIC FEE (37 CFR 1.16(a))		
TOTAL CLAIMS (37 CFR 1.16(c))	/ minus 20 =	*
INDEPENDENT CLAIMS (37 CFR 1.16(b))	/ minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))		

\* If the difference in column 1 is less than zero, enter "0" in column 2.

### SMALL ENTITY

RATE	FEE
	\$
X \$	=
X \$	=
+ \$	=
TOTAL	395

OR

### OTHER THAN SMALL ENTITY

RATE	FEE
	\$
X \$	=
X \$	=
+ \$	=
TOTAL	

## CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	1/9/6	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR
			PRESENT EXTRA
	Total (37 CFR 1.16(c))	Minus	**
	Independent (37 CFR 1.16(b))	Minus	***
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

### SMALL ENTITY

RATE	ADDITIONAL FEE
X \$ 25	= 50
X \$ 100	= 100
+ \$	=
TOTAL ADD'L FEE	150

OR

### OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X \$	=
X \$	=
+ \$	=
TOTAL ADD'L FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR
			PRESENT EXTRA
	Total (37 CFR 1.16(c))	Minus	**
	Independent (37 CFR 1.16(b))	Minus	***
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

RATE	ADDITIONAL FEE
X \$	=
X \$	=
+ \$	=
TOTAL ADD'L FEE	

OR

RATE	ADDITIONAL FEE
X \$	=
X \$	=
+ \$	=
TOTAL ADD'L FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR
			PRESENT EXTRA
	Total (37 CFR 1.16(c))	Minus	**
	Independent (37 CFR 1.16(b))	Minus	***
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

RATE	ADDITIONAL FEE
X \$	=
X \$	=
+ \$	=
TOTAL ADD'L FEE	

OR

RATE	ADDITIONAL FEE
X \$	=
X \$	=
+ \$	=
TOTAL ADD'L FEE	

- \* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

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JAN 9 2006

Application No. 09/607,313

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence of 10 pages is being facsimile transmitted to the general fax number 571-273-8300 of the USPTO on this 9<sup>th</sup> day of January 2006 by

Vidal A. Oaxaca, Reg. No. 44,287

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	09/607,313
Applicant	:	Brad Baker
Filed	:	June 28, 2000
Title	:	PAINT SET CONFECTIONERY
TC/AU.	:	1761
Examiner	:	L. Tran
Conf. No.	:	6871
Docket No.	:	30687-US

Mail Stop Amendment  
Commissioner for Patents  
United States Patent and Trademark Office  
PO Box 1450  
Alexandria, Virginia 22313-1450

**AMENDMENT and RESPONSE**

Dear Sir:

In response to the Office Action dated September 7, 2005, Applicant submits this document consisting of a total of 10 pages. Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 7 of this paper.

01/12/2006 DFL0YD 00000003 134213 09607313

01 FC:2202	50.00 DA
02 FC:2201	100.00 DA

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PAGE 1/10 \* RCVD AT 1/9/2006 8:54:08 PM [Eastern Standard Time] \* SVR:USPTO-EFAXF-6/29 \* DNIS:2738300 \* CSID:505 243 2542 \* DURATION (mm-ss):02-08

01/12/2006 DFL0YD 00000002 134213 09607313  
01 FC:1251 120.00 DA

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Application No. 09/807,313

Applicant has added new dependent claims 32 through 42 to better define the scope of the present invention. Because they depend from independent claim 30, they too are believed to be allowable.

New independent claims 49 and 51 are also directed to a confectionery set comprising a paint brush having a "completely edible handle" portion and thus are also allowable over the prior art. New independent claim 43 is directed to a confectionery set comprising "a completely edible coatable utensil". Independent claim 43 is thus also allowable over the prior art. Because dependent claims 44-48 depend from allowable claim 43, they are also allowable. Support for these new claims can be found in the specification as originally filed, on page 5, lines 12-14.

In view of the above amendments and remarks, it is submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213.

Date:

1/9/05

By:

Respectfully submitted,

  
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